



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,051	08/21/2003	Ea-Ee Jan	YOR920030391US1	6542

7590 06/03/2005

Thu Ann Dang
Intellectual Property Law Dept.
IBM Corporation
P.O. Box 218
Yorktown Heights, NY 10598

EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,051	Applicant(s) JAN ET AL.	
	Examiner Ovidio Escalante	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/14/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/21/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on August 21, 2003 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings were received on January 14, 2004. These drawings are acceptable.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6-12, 15-21 and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhn et al. US Patent 6,119,087.

Regarding claim 1, Kuhn teaches a voice processing system, (abstract), comprising:
a task routing system (102), (fig. 2; col. 2, lines 27-33,52-62); and
a plurality of task servers (108 resource managers) connected to the task routing system through a data network, (col. 3, lines 47-53), the task servers comprising a plurality of engines (recClients 104) of a plurality of types, (col. 2, line 52-col. 3, line 10,42-53); and
a configuration file (col. 3, lines 11-22) connected to the task routing system comprising parameter settings for each type of engines, wherein the task routing system selects a set of the

Art Unit: 2645

plurality of engines based on the types of engines in the configuration file, (col. 3, lines 43-53; col. 4, lines 49-64).

Regarding claims 2,11 and 20, Kuhn, as applied to claims 1 and 10, teaches wherein the parameter settings for each type of engines differ from other types of engines, (col. 3, lines 43-53; col. 4, lines 49-64).

Regarding claim 3,12 and 21, Kuhn, as applied to claims 1, 10 and 19, teaches wherein the parameter settings comprise a plurality of grammar types, (col. 4, lines 51-54).

Regarding claim 6,15 and 24, Kuhn, as applied to claims 1, 10 and 19, teaches wherein the parameter settings comprise a plurality of model size, (abstract; col. 4, lines 6-33).

Regarding claim 7,16 and 25, Kuhn, as applied to claims 1, 10 and 19, teaches wherein the parameter settings comprise voice types, (abstract; col. 4, lines 6-31).

Regarding claim 8,17 and 26, Kuhn, as applied to claims 1, 10 and 19, teaches wherein the parameter settings comprise user population, (col. 4, lines 57-61).

Regarding claim 9,18 and 27, Kuhn, as applied to claims 1, 10 and 19, teaches wherein the task routing system updates the parameter settings based on usage statistics, (col. 4, lines 57-61).

Regarding claim 10, Kuhn teaches a task routing system (102), (fig. 2; col. 2, lines 52-62), comprising:

an input device that inputs a configuration data comprising parameter settings for each of a plurality of types of engines, (col. 3, lines 43-53); and

a processor that selects a set of engines based on the types of engines in the configuration data, (col. 3, lines 43-53; fig. 3; col. 4, lines 6-21).

Art Unit: 2645

Regarding claim 19, Kuhn teaches a method for task routing, (col. 2, lines 52-62), comprising:

inputting a task, (col. 3, lines 43-53);

based on parameter settings in a configuration file, selecting a set of engines from a plurality of engines of a plurality of types, the selected set of engines being of the same type as the task, (col. 3, lines 43-53; col. 4, lines 6-21); and

assigning the task to the selected set of engines, (col. 3, lines 43-53).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

Art Unit: 2645

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 4,5,13,14,22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuhn in view of Gandhi et al. US Patent Pub. 2004/0015351.

Regarding claims 4,5,13,14,22 and 23, while Kuhn as applied to claims 1, 10 and 19, teaches of various parameter settings, Kuhn does not specifically teach wherein the parameter settings comprises a plurality of accuracy readings or acoustic models.

In the same field of endeavor, Gandhi teaches of a task and voice-processing system in which tasks are assigned based on parameters in which the parameters comprise a plurality of accuracy readings, (paragraphs 0009, 0034) and a plurality of acoustic models, (paragraphs 0005,0007,0025,0030).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kuhn to include accuracy readings and acoustic models so that the task server can assign the incoming task to the engine that will provide the best accuracy and models for processing the voice.

Conclusion

9. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Art Unit: 2645

Or:

(571) 273-7537, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30 to 4:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

Ovidio Escalante
Examiner
Group 2645
May 26, 2005

O.E./oe